

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this Amendment, claims 1-13 are all the claims pending in the application. Claims 6-12 have been withdrawn from consideration in response to a restriction requirement dated March 12, 2007. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-5 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Little et al. (U.S. patent Application Publication No. 2003/0172122, hereafter "Little") in view of Gupta et al. (U.S. Patent No. 6,389,532, hereafter "Gupta").

As in the previous Office Action dated April 27, 2007, the Examiner asserts that Little discloses all of the features of independent claim 1 except for the feature "wherein a sent Multimedia Messaging Service message includes an electronic stamp whose validity is verified by said multimedia message service center." The Examiner thus relies on Gupta to allegedly cure this conceded deficiency and asserts that "it would have been obvious to a person of ordinary skill in the art to utilize Gupta's method of validation because it offers the advantage of reducing bottlenecks by discarding packets that are invalid in view of their signatures or lack thereof".²

In the Response filed on July 27, 2007, Applicant submitted that there is no teaching or suggestion in the cited references of including an electronic stamp in a multimedia message, and

² Page 4 of the Office Action dated

that the Examiner's apparent reading of the claimed "stamp" on a digital signature disclosed in the cited references was erroneous due to a misreading of claim 1.

In response, the Examiner asserts:

Given its broadest reasonable interpretation a digital signature may be an electronic stamp. Claim 1 provides the limitation "an electronic stamp whose validity is verified." This is exactly what a digital signature is used for. A digital signature is stamped on a message to prove authenticity. A receiver verifies the digital signature. Hence, Examiner maintains that an electronic stamp may be interpreted as a digital signature.³

Applicant respectfully disagrees with the Examiner's position. Although it may be true that during examination the claims may be broadly interpreted in light of the specification, Applicant respectfully submits that the standard for claim interpretation is not the broadest possible meaning of the claim terms, but rather the broadest *reasonable* interpretation consistent with the specification. See MPEP 2111.

The claimed invention discloses a Multimedia Messaging Service (MMS) that includes an element associated with paying for sending a message. The message contains an encapsulated electronic stamp which has a numerical value which may include the value or amount of the stamp (page 8 of the original specification). Applicant respectfully submits that this feature is neither taught, suggested or contemplated by the cited references

The Examiner cites column 7, lines 1-27 of Gupta as allegedly disclosing the claimed electronic stamp. However, this cited portion of Gupta merely discloses detecting whether a

³ Page 2 of the Office Action dated August 16, 2007.

signature exists in the header of a packet. If a signature is not found in the header, a router determines whether a signature is required. If a signature is not required, the packet is forwarded. If a signature is required and not found in the packet, the packet is discarded. However, if the signature is found in the header of the packet, a public key and a router are used to check its validity. There is simply no disclosure in Gupta (or Little) that “a sent Multimedia Messaging Service message includes an electronic stamp whose validity is verified by said multimedia message service center”, as recited in independent claim 1. Further, Applicant respectfully submits that there is no teaching or suggestion in the cited references of the feature “wherein the electronic stamp is an element associated with paying for sending the message, and includes a value of the stamp”, as recited in independent claim 1.

Accordingly, Applicant respectfully submits that claim 1 should be allowable because the cited references do not teach or suggest all of the features of the claim. Claims 2-5 should also be allowable at least by virtue of their dependency on independent claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/800,670

Attorney Docket No.: Q80358

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

/Mark E. Wallerson/
Mark E. Wallerson
Registration No. 59,043

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